Notice of Allowability

Application No.	Applicant(s)
09/123,148	MASINI
Examiner	**Group Art Unit**
ISABELLA, DAVID J.	3738

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to *8/11/99*.

☒ The allowed claim(s) is/are *1-15*.

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____.

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal lettter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). *2*

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John Posa on 8/10/99.

2. The application has been amended as follows:

Claim 1, line 6, change "one or" to -- at least one--; change "arms" to --arm--;

line 7, after "each" insert --of said--;

line 7, change "one or more" to --at least one--;

line 8, change "sections" to --section--; after "from" insert --said rim and/or --;

line 9, after "each" insert --of said--;

Claim 2, after "one" insert --of said--;

change "adapted" to --positioned on said cup-shaped portion--;

Claim 3, after "one" insert --of said--;

change "adapted" to --positioned on said cup-shaped portion--;

Claim 4, after "two" delete "adjacent" and insert --of said--;

after "arms" insert --being adjacent to each other and positioned on said cup-shaped portion--;

delete "adapted"

line 6 change "the two" to --said adjacent extension--;

Claim 5, line 2, change each occurrence of "the" to --said--;

Claim 6, line 2, change "the" to --said--;

Claim 7, line 3, change "the" to --said--;

Claim 8, line 3, change "the" to --said--;

Claim 9, line 5, change "one or" to -- at least one;

line 6, change "arms" to --arm--; after "each" insert --of said--;

line 6, change "one or more" to --at least one--;

line 7, change "sections" to --section--; after "from" insert --said rim and/or --;

line 8, after "each" insert --of said--;

line 10, change each occurrence of "the" to --said;

line 12, change "the" to --said;

line 14, after "each" insert --of said--;

line 16, after "each" insert --of said--;

line 17, change "the" to --said;

Claim 10, after "each" insert --of said--;

line 2, change "a" to --as--;

Claim 11, after "each" insert --of said--;

line 3, change "a particular" to --said--;

line 4, after "bend" change "the" to --said--;

Claim 12, line 2 change "an" to --said--;

Claim 14, line 4, change "the" to --said--;

Claim 15, change each occurrence of "the" to --said.

3. The following is an examiner's statement of reasons for allowance: the prior art does not disclose an acetabular cup with at least one malleable extension arm connected to the rim wherein each arm including at least one apertured section spaced apart from said rim and/or from one another by a necked down section.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Isabella whose telephone number is (703) 308-3060. The Examiner's Supervisor, Mickey Yu, may be reached at (703) 308-2672. The group receptionist may be reached at (703) 308-0858.

Should Applicant wish to send a fax for official entry into the file wrapper the Group fax number is (703) 308-3590. Should Applicant wish to send a fax for discussion purposes only, the art unit fax number is (703) 308-2708.



DAVID J ISABELLA

PRIMARY EXAMINER

GROUP 3300

dji

August 11, 1999

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

QM12/0901

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/123,148	07/27/98	015	ISABELLA, D 3738	09/01/99
First Named Applicant: MASINI,			35 USC 154(b) term ext. = 0 Days.	

TITLE OF INVENTION: MODULAR ACETABULAR RECONSTRUCTION PLATE

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3 MED-00802/29	623-022.000	A97	UTILITY	YES	$605.00	12/01/99

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

A. Pay FEE DUE shown above, or

B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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